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**MEMO ENDORSED**

February 4, 2008

**BY HAND**

Honorable William H. Pauley III  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Centre Street, Room 803  
New York, New York 10007

*Application denied.*  
**SO ORDERED:**

*William H. Pauley III*  
WILLIAM H. PAULEY III U.S.D.J.  
2/11/08

Re: Oldendorff Carriers GmbH & Co. KG v. KAS Maritime  
Shipping Lines Ltd.  
S.D.N.Y. No. 07 Civ. 8347 (WHP)  
Our Ref.: 667664-00602

*The case  
has been closed.*

Dear Judge Pauley:

We represent plaintiff Oldendorff Carriers GmbH ("Oldendorff"). This is a by now familiar "Rule B" action, which we filed on September 25, 2007. Enclosure "A." The merits of the dispute are subject to resolution by arbitration in London.

On January 11, 2008, we submitted a Notice and Order of Voluntary Dismissal which you signed on January 17 and which was entered on January 18, 2008. Enclosure "B." After several months of serving banks in New York, Plaintiff concluded that Kas Maritime was either making dollar transfers in some other name or was no longer trading.

However, we learned today that Defendant Kas Maritime commenced an action in this Court on/about January 15, 2008. A copy of the complaint is enclosed. Enclosure "C." It has been assigned to Judge Koeltl (08 CV 00374). We believe, but are still investigating, that the claim of Kas Maritime in this action is against a sub-charterer of the Vessel which was the subject of our prior-filed action. Basically, it appears that Kas Maritime did not pay Oldendorff because Kas Maritime's subcharterer did not pay it. Moreover, we were advised today that Kas Maritime had attached \$251,148.50.

We respectfully ask that the matter be reopened so that we may have issued and serve a Process of Maritime Attachment and Garnishment on this "property" of Defendant Kas Maritime which we have today learned is located in this district.



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If Kas Maritime is adjudged entitled to those funds, they will constitute property of Kas Maritime in this District. In *Starboard Venture Shipping, Inc. v. Casinomar Transportation, Inc.*, 1993 U.S. Dist LEXIS 15891 (S.D.N.Y. 1993), then District Judge Sotomayor held that a "previously attached res, or one otherwise in *custodia legis*, can be subsequently attached under proper circumstances" and allowed a maritime attachment in favor of a creditor of one of the parties for whose benefit the escrow account was established and whose title to the property would only be established when the underlying dispute in the unrelated matter was determined.

We are of course at Your Honor's disposal to answer any questions. Otherwise, we thank Your Honor in advance for your consideration of and favorable action upon this request.

Very truly yours,

LeRoy Lambert

LRL:cn  
Enclosures